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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,375	02/12/2001	Christoph Hauger	00014	7035

7590 06/27/2002
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EXAMINER

FINEMAN, LEE A

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 06/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/780,375

Applicant(s)

HAUGER ET AL.

Examiner

Lee Fineman

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 11 is/are allowed.
- 6) ☒ Claim(s) 8-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claims 9 and 10 are objected to because of the following informalities:
/ Claim 9 recites the limitation "the clock ratio" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. Claim 10 inherits the deficiencies of the claim from which it depends. Claim 10 also recites the "microscope of claim 10" in line 1 which is incorrect. For the purpose of examination claim 10 is treated on claim 8.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagi, U.S. Patent No. 5,601,549 in view of Cooper et al. U.S. Patent No. 4,742,388.

Art Unit: 2872

Miyagi discloses in fig. 1 a microscope (10) with a viewing unit (11a, 11b) for viewing an object (not shown, column 2, lines 15-17) and defining a viewing beam path (A), an image projection module (11a') for inputting image data into the viewing unit (column 3, lines 32-39), including an image display unit (30) for displaying the image data.

Miyagi discloses the claimed invention except for the image display unit including a reflection display illuminated sequentially with different colors as a function of time, including a rotatably mounted filter wheel for illuminating the reflection display, a device for synchronizing the rotation of the filter wheel with the clock ratio of the reflection display, and wherein the brightness of the image display unit is increased by providing a time-dependent sequential illumination of the reflection display with only a single color.

Cooper et al. teaches an image display unit (12 and 14) including a reflection display (14) illuminated sequentially with different colors as a function of time (column 4, lines 33-38), including a rotatably mounted filter wheel (40) for illuminating the reflection display, a device (63) for synchronizing the rotation of the filter wheel with the clock ratio of the reflection display, and wherein the brightness of the image display unit is increased by providing a time-dependent sequential illumination of the reflection display with only a single color (column 7, lines 18-21). Therefore, would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the image display of Miyagi to include color image display system of Cooper to be able to filter certain colors of light.

Allowable Subject Matter

4. Claims 1-7 and 11 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Claims 1-4 are allowable over the prior art for at least the reason that the prior art fails to teach and/or suggest "a plano-convex lens and a plano-concave lens" as set forth in the claimed combination.

Miyagi discloses in fig. 1 a microscope (10) with a viewing unit (11a, 11b) for viewing an object (not shown, column 2, lines 15-17) and defining a viewing beam path (A), an image projection module (11a') for inputting image data into the viewing unit (column 3, lines 32-39), including an image display unit (30) for displaying the image data as claimed but does not teach a plano-convex lens and a plano-concave lens mounted downstream of the image display unit.

Shioda et al., U.S. Patent No. 6,081,371 discloses in fig. 1 a microscope (2) with a viewing unit (7) for viewing an object (not numbered) and defining a viewing beam path (a), an image projection module (L) for inputting image data into the viewing unit (column 6, lines 31-41), including an image display unit (26) for displaying the image data as claimed but does not teach a plano-convex lens and a plano-concave lens mounted downstream of the image display unit.

Claims 5-7 and 11 are allowable over the prior art for at least the reason that the prior art fails to teach and/or suggest "an image sensor mounted to receive the image data from the image projection module" as set forth in the claimed combination.

Miyagi discloses in fig. 1 an image recording beam splitter (16b) and an image sensor (40) but the image sensor does not receive the image data as claimed.

Art Unit: 2872

Shioda et al. discloses an image recording beam splitter (10), an image recording device (35) and an image sensor (column 8, line 3) but the image sensor does not receive the image data as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lee Fineman whose telephone number is (703) 305-5414. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached on (703) 308-1687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

LAF
June 21, 2002



Cassandra Spyrou
Supervisory Patent Examiner
Technology Center 2800